



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,859	05/17/2006	Jose Luis Rey	L7725.06111	8905
52980 7590 12/26/2008 Dickinson Wright PLLC James E. Ledbetter, Esq. International Square 1875 Eye Street, N.W., Suite 1200 Washington, DC 20006				
EXAMINER				
CLIFTON, JESSICA L				
ART UNIT		PAPER NUMBER		
4144				
MAIL DATE		DELIVERY MODE		
12/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/579,859

Applicant(s)

REY ET AL.

Examiner

JESSICA CLIFTON

Art Unit

4144

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 21-38 is/are rejected.
7) ☒ Claim(s) 26 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 17 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date See Continuation Sheet
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :05/17/2006; 08/22/2006; 11/06/2007.

DETAILED ACTION

1. Claims 1-20 have been cancelled. Claims 21-38 have been examined and are pending.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: **102, 604**. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 26 is objected to because of the following informalities: The word "**dais**" should be changed to "**claim**". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims **21, 23, 24, 31, 34, 36, and 37** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims **21, 23, 24, 31, 36, 37** the phrase **“minimum reporting redundancy”** is unclear as to its meaning and the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The terms **“enables”**, **“enabled”**, and **“indicative”** in claims **21, 31, 34, 36, 37** are a relative terms which renders the claim indefinite. The terms **“enables”**, **“enabled”**, and **“indicative”** are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The specification does not support how a minimum number of retransmissions is **“enabled”** within the client buffering time.

The specification does not support how adding a number of General NACK report blocks **“enables”** a minimum number of retransmissions of lost data packets.

The specification does not support how the session description information is **“indicative”** of the RTCP bandwidth, a minimum number of retransmissions or a minimum reporting redundancy.

The specification does not support how adding a number of Loss RLE report blocks **“enables”** a minimum reporting redundancy of lost data packets.

The specification does not support how determining the maximum number of retransmissions is **“enabled”** by the client.

5. Claims **22, 25-30, 32, 33, 35** and **38** are rejected under 35 U.S.C. 112, second paragraph by virtue of their dependencies.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Kohno et al. (US Patent Pub. 2003/0120802) discloses a data communication system, data transmission apparatus, data reception apparatus, data communication method, and computer program. Kohno et al. (US Patent Pub. 2003/0126238) discloses a data communications system, data sender, data receiver,

data communications method, and computer program. Bhagavath et al. (US Patent No. 6,501,763) discloses a network-based service for originator-initiated automatic repair of IP multicast sessions. Vijayan et al. (US Patent Pub. 2005/0058089) discloses a multiplexing and transmission of multiple data streams in a wireless multi-carrier communication system. Rey et al. (US Patent Pub. 2005/0036546) discloses a video data transmission method and apparatus. Hata et al. (US Patent Pub. 2002/0059464) discloses a method and apparatus for header compression. Hata et al. (US Patent Pub. 2005/0094647) discloses a method and apparatus for header compression. Caglar et al. (US Patent Pub. 2002/0071485) discloses a video coding method. Jang et al. (US Patent Pub. 2004/0027991) discloses a method of generating transmission control parameters and method of selective retransmission according to packet characteristics. Kong et al. (US Patent Pub. 2005/0013249) discloses redundant packets for streaming video protection. Burmeister et al. (US Patent Pub. 2003/0156550) discloses a method of dynamically transmitting data packets using RTP and RTCP protocols. Ott et al., Extended RTP profile for RTCP-based feedback (RTP/AVPF), Publication dates: June 6, 2003, June 29, 2002. Rey et al., RTP retransmission payload format, August 2003. Friedman et al., RTP control protocol extended reports (RTCP XR), November 2003. ETSI TR 126937, v5.0.0, September 2003. RFC 3551, RTP AV Profile, July 2003. Schulzrinne et al., RTP: A transport protocol for real-time applications, July 2003.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA CLIFTON whose telephone number is (571)270-7156. The examiner can normally be reached on Monday-Thursday, 8:00 am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on (571) 272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. C./

Examiner, Art Unit 4144

/RONALD ABELSON/

Primary Examiner, Art Unit 2419